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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

SECOND APPELLATE DISTRICT

DIVISION THREE

ALICIA M. TRIPI,

Plaintiff and Appellant,

v.

MAKE-UP ARTISTS & HAIR
STYLISTS GUILD et al.,

Defendants and Respondents.

B282264

(Los Angeles County
Super. Ct. No. EC062256)

APPEAL from orders of the Superior Court of Los Angeles County, Ralph C. Hofer. Dismissed in part and affirmed in part.

Alicia M. Tripi, in pro. per., for Plaintiff and Appellant.

Reich, Adell & Cvitan, Laurence S. Zakson and Aaron G. Lawrence for Defendants and Respondents.

In these consolidated appeals, plaintiff and appellant Alicia M. Tripi (Tripi), in propria persona, purports to appeal this court's decision on her prior appeal (*Tripi v. Make-Up Artists & Hair Stylists Guild-IATSE Local 706 et al.* (June 14, 2016, B259541) [nonpub. opn.] (*Tripi I*)). In addition, Tripi appeals an order entered on February 17, 2017 granting a special motion to strike (Code Civ. Proc., § 425.16), and a subsequent order, entered on July 14, 2017, directing her to pay \$280,327.35 in attorney fees and costs to the prevailing parties on the special motion to strike.¹

No appeal lies from this court's decision on the prior appeal. Therefore, Tripi's purported appeal from this court's prior decision is dismissed. As for the trial court's orders on remand, relating to the special motion to strike and the motion for attorney fees and costs, Tripi has not met her burden to show error. Therefore, the February 17, 2017 and July 14, 2017 orders are affirmed.

FACTUAL AND PROCEDURAL BACKGROUND

1. Earlier proceedings.

In May 2014, Tripi filed a first amended complaint against Make-Up Artists and Hair Stylists Guild-IATSE Local 706 (hereinafter the Union) and seven current or former Union officers (the individual defendants) for discrimination and retaliation in violation of the California Fair Employment and Housing Act (FEHA) (Gov. Code, § 12900 et seq.) Tripi alleged, inter alia, that she is a 61-year-old woman of Hispanic national origin, a journeyman hair stylist in good standing, and that she

¹ All unspecified statutory references are to the Code of Civil Procedure.

had filed several complaints with the United States Equal Employment Opportunity Commission alleging discrimination and retaliation against the Union. She pled that due to the conduct of the defendants she had not been rehired for jobs for which she had originally been hired, had been the subject of defamatory, discriminatory and retaliatory statements, and had been blacklisted by the Union, causing her not to receive job referrals from the Union.

The individual defendants filed an anti-SLAPP motion seeking to strike the sixth cause of action for “aiding, abetting, and inciting harassment.” The Union filed a separate anti-SLAPP motion seeking to strike the first through fifth causes of action for retaliation, discrimination on the basis of age, national origin and sex, and failure to prevent discrimination and harassment; it also joined in the individual defendants’ motion.

After considering the parties’ briefing, the trial court denied the anti-SLAPP motions, concluding that the movants had failed to establish the subject claims arose out of protected activity. The trial court did not reach the question of whether Tripi had established a probability of success on her causes of action. The defendants appealed.

In *Tripi I*, filed June 14, 2016, this court affirmed in part, reversed in part, and remanded. We concluded that with respect to certain portions of the first amended complaint, defendants had met their burden to demonstrate that Tripi’s claims arose from their protected activity, and therefore remanded the matter to the trial court to conduct the second-prong analysis with respect to the merits of those claims.

2. Proceedings on remand.

Following issuance of the remittitur, the Union and the individual defendants filed briefing on the remanded issues. The trial court directed Tripi to file her opposition brief no later than October 25, 2016, with the matter scheduled to be heard on November 18, 2016. Tripi failed to file any papers by the deadline, and, instead, two days before the November 18, 2016 hearing date, filed an ex parte application for an extension of time. The trial court granted the request, continued the hearing to February 10, 2017, and gave Tripi until January 20, 2017 to file her opposition. However, Tripi still did not file written opposition to the anti-SLAPP motions.

At the hearing on February 17, 2017, the trial court granted the individual defendants' special motion to strike the sixth cause of action, which was the only cause of action asserted against them. The trial court denied the Union's special motion to strike.

On April 17, 2017, Tripi filed a notice of appeal specifying the June 14, 2016 decision in *Tripi I*, as well as the trial court's February 17, 2017 ruling granting the individual defendants' anti-SLAPP motion.

Thereafter, on July 14, 2017, the trial court ruled on a motion by the individual defendants for attorney fees as the prevailing parties on the special motion to strike. Despite a four-month interval between the filing of the motion for attorney fees and the hearing date, Tripi did not file an opposition to the fee motion. Instead, one day before the hearing on the fee motion, she filed an ex parte application to stay all proceedings relating to attorney fees and costs.

The trial court denied Tripi's ex parte application, and awarded \$280,327.35 in attorney fees and costs to the individual defendants pursuant to section 425.16.

On September 12, 2017, Tripi filed another notice of appeal, again specifying the June 14, 2016 decision in *Tripi I*, as well as the July 14, 2017 ruling on the motion for attorney fees. The two appeals were consolidated.

CONTENTIONS

The sole contention raised by Tripi in her four-page opening brief is that the trial court erred "when it failed to take into consideration the fact that the Los Angeles County Bar committed 'obstruction of justice' " by refusing to provide attorney referrals to individuals such as Tripi, who sue labor unions.²

DISCUSSION

1. *The decision in Tripi I is not reviewable in this appeal.*

As indicated, both notices of appeal specified, inter alia, this court's June 14, 2016 decision in *Tripi I*, the prior appeal. However, the decision in *Tripi I* is outside this court's jurisdiction because that appellate decision is not a judgment that would be reviewable by this court. (See Code Civ. Proc., § 904.1) Also, any such appeal would be untimely. (Cal. Rules of Court, rule 8.104.) Thus, insofar as Tripi purports to appeal the decision in *Tripi I*, the appeal shall be dismissed.

² In the appellant's reply brief, Tripi introduces a number of additional arguments. However, it is settled that "we need not [and do not] consider new issues raised for the first time in a reply brief in the absence of good cause" (*In re Marriage of Ackerman* (2006) 146 Cal.App.4th 191, 214.) Tripi has not shown good cause for this court to consider any arguments she first raised in her reply brief.

2. *No cognizable issue raised with respect to either the February 17, 2017 ruling on the anti-SLAPP motion, or the July 14, 2017 ruling on the motion for attorney fees.*

Although “we review the trial court’s grant of the anti-SLAPP motion de novo, this does not relieve [appellant] of [her] duty to present reasoned argument in support of [her] claim that the anti-SLAPP motion should not have been granted.” (*Guarino v. County of Siskiyou* (2018) 21 Cal.App.5th 1170, 1180.)

Further, “[i]t is not this court’s role to construct arguments that would undermine the lower court’s judgment and defeat the presumption of correctness. Rather, an appellant is required to present a cognizable legal argument in support of reversal of the judgment and when the appellant fails to support an issue with pertinent or cognizable argument, ‘it may be deemed abandoned and discussion by the reviewing court is unnecessary.’ [Citation.] Issues not supported by argument or citation to authority are forfeited. [Citations.]” (*Needelman v. DeWolf Realty Co., Inc.* (2015) 239 Cal.App.4th 750, 762.)

Here, the four-page opening brief is devoid of any cognizable argument. There is no contention by Tripi that the trial court erred in granting the individual defendants’ special motion to strike, or that it abused its discretion with respect to the amount of attorney fees that they were awarded.

It appears that the sole argument proffered by Tripi in the opening brief is that the trial court should have taken into consideration the refusal of the Los Angeles County Bar Association to refer an attorney to her. This argument is unclear and is not supported by citation to legal authority. If Tripi’s theory is that the trial court should have granted her ex parte application on July 14, 2017 for a continuance of the attorney fee

motion in order to permit her to retain counsel, the argument is undeveloped and is treated as forfeited.

DISPOSITION

The purported appeal from the June 14, 2016 decision in *Tripi I* is dismissed. The February 17, 2017 order granting the special motion to strike, and the July 14, 2017 order directing Tripi to pay \$280,327.35 in attorney fees and costs to the individual defendants, are affirmed. Respondents shall recover their costs on appeal. Further, as requested, respondents shall recover reasonable attorney fees incurred in defending the appeal, in an amount to be determined by the trial court. (§ 425.16, subd. (c)(1); *GeneThera, Inc. v. Troy & Gould Professional Corp.* (2009) 171 Cal.App.4th 901, 910-911.)

Respondents' motions for an order requiring Tripi to pay monetary sanctions to this court (motions filed Aug. 31, 2018 and Nov. 6, 2018), rulings on which were previously deferred, are now denied. Respondents' motion to strike appellant's reply brief (motion filed April 26, 2018) is denied as moot.

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EDMON, P. J.

We concur:

EGERTON, J.

DHANIDINA, J.